

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation     )  
Against:                                     )**

**Philip Alan Sobol, M.D.                     )**

**Case No. 800-2016-020311**

**Physician's and Surgeon's                 )  
Certificate No. G42254                     )**

**Respondent                                     )**

\_\_\_\_\_)

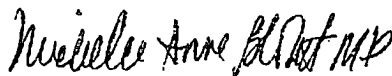
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on August 18, 2017.**

**IT IS SO ORDERED: July 19, 2017.**

**MEDICAL BOARD OF CALIFORNIA**



\_\_\_\_\_  
**Michelle Bholat, M.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
4 State Bar No. 302151  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-6564  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2016-020311

12 PHILIP ALAN SOBOL, M.D.  
Sobol Orthopedic Medical Group  
13 8618 South Sepulveda Blvd., Suite 130  
Los Angeles, California 90045

OAH No. 2016120940

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No.  
15 G42254,

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California, Department of Consumer Affairs (Board). She brought this action solely in her  
23 official capacity and is represented in this matter by Xavier Becerra, Attorney General of the  
24 State of California, by Nicholas B.C. Schultz, Deputy Attorney General.

25 2. Philip Alan Sobol, M.D. (Respondent) is represented in this proceeding by attorney  
26 Charles L. Kreindler, whose address is: 333 South Hope Street, 43rd Floor, Los Angeles,  
27 California 90071.

28 ///

3. On or about July 1, 1980, the Board issued Physician's and Surgeon's Certificate No. G42254 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-020311, and will expire on January 31, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 800-2016-020311 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 12, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-020311 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-020311. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including: the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2016-020311.

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10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this Stipulated Settlement and Disciplinary Order, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, then the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G42254 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on

1 probation for eight (8) years on the following terms and conditions.

2 1. ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the  
3 practice of medicine for six (6) months beginning the sixteenth (16th) day after the effective date  
4 of this Decision.

5 2. COMMUNITY SERVICE - FREE SERVICES. Within sixty (60) calendar days of  
6 the effective date of this Decision, Respondent shall submit to the Board or its designee for prior  
7 approval a community service plan in which Respondent shall, within the first two (2) years of  
8 probation, provide one hundred (100) hours of free services, medical or non-medical, to a  
9 community or non-profit organization. If the term of probation is designated for two (2) years or  
10 less, the community service hours must be completed not later than six (6) months prior to the  
11 completion of probation.

12 Prior to engaging in any community service, Respondent shall provide a true copy of the  
13 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief  
14 executive officer at every community or non-profit organization where Respondent provides  
15 community service and shall submit proof of compliance to the Board or its designee within  
16 fifteen (15) calendar days. This condition shall also apply to any change(s) in community service.

17 Community service performed prior to the effective date of the Decision shall not be  
18 accepted in fulfillment of this condition.

19 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar  
20 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,  
21 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
22 Respondent shall participate in and successfully complete that program. Respondent shall  
23 provide any information and documents that the program may deem pertinent. Respondent shall  
24 successfully complete the classroom component of the program not later than six (6) months after  
25 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
26 time specified by the program, but no later than one (1) year after attending the classroom  
27 component. The professionalism program shall be at Respondent's expense and shall be in  
28 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

1 A professionalism program taken after the acts that gave rise to the charges in the  
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
3 or its designee, be accepted towards the fulfillment of this condition if the program would have  
4 been approved by the Board or its designee had the program been taken after the effective date of  
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its  
7 designee not later than fifteen (15) calendar days after successfully completing the program or not  
8 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

9 4. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective  
10 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or  
11 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
12 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
13 consider any information provided by the Board or designee and any other information the  
14 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
15 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
16 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
17 psychiatric evaluations and psychological testing.

18 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
19 psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee.

20 5. MONITORING - PRACTICE/BILLING. Within thirty (30) calendar days of the  
21 effective date of this Decision, Respondent shall submit to the Board or its designee for prior  
22 approval as a practice and billing monitor(s), the name and qualifications of one or more licensed  
23 physicians and surgeons whose licenses are valid and in good standing, and who are preferably  
24 American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or  
25 current business or personal relationship with Respondent, or other relationship that could  
26 reasonably be expected to compromise the ability of the monitor to render fair and unbiased  
27 reports to the Board, including but not limited to any form of bartering, shall be in Respondent's  
28 field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all

1 monitoring costs.

2 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
3 and Accusation(s), and a proposed monitoring plan. Within fifteen (15) calendar days of receipt  
4 of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a  
5 signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands  
6 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
7 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
8 with the signed statement for approval by the Board or its designee.

9 Within sixty (60) calendar days of the effective date of this Decision, and continuing  
10 throughout probation, Respondent's practice and billing shall be monitored by the approved  
11 monitor. Respondent shall make all records available for immediate inspection and copying on  
12 the premises by the monitor at all times during business hours and shall retain the records for the  
13 entire term of probation.

14 If Respondent fails to obtain approval of a monitor within sixty (60) calendar days of the  
15 effective date of this Decision, Respondent shall receive a notification from the Board or its  
16 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
17 Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring  
18 responsibility.

19 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
20 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
21 are within the standards of practice of medicine and billing, and whether Respondent is practicing  
22 medicine safely and billing appropriately. It shall be the sole responsibility of Respondent to  
23 ensure that the monitor submits the quarterly written reports to the Board or its designee within  
24 ten (10) calendar days after the end of the preceding quarter.

25 If the monitor resigns or is no longer available, Respondent shall, within five (5) calendar  
26 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,  
27 the name and qualifications of a replacement monitor who will be assuming that responsibility  
28 within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor

1 within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent  
2 shall receive a notification from the Board or its designee to cease the practice of medicine within  
3 three (3) calendar days after being so notified. Respondent shall cease the practice of medicine  
4 until a replacement monitor is approved and assumes monitoring responsibility.

5 In lieu of a monitor, Respondent may participate in a professional enhancement program  
6 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
7 review, semi-annual practice assessment, and semi-annual review of professional growth and  
8 education. Respondent shall participate in the professional enhancement program at  
9 Respondent's expense during the term of probation.

10 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
11 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
12 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
13 purposes of providing patient care; or 2) Respondent is the sole physician practitioner at that  
14 location.

15 If Respondent fails to establish a practice with another physician or secure employment in  
16 an appropriate practice setting within sixty (60) calendar days of the effective date of this  
17 Decision, Respondent shall receive a notification from the Board or its designee to cease the  
18 practice of medicine within three (3) calendar days after being so notified. The Respondent shall  
19 not resume practice until an appropriate practice setting is established.

20 If, during the course of the probation, the Respondent's practice setting changes and the  
21 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
22 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
23 If Respondent fails to establish a practice with another physician or secure employment in an  
24 appropriate practice setting within sixty (60) calendar days of the practice setting change,  
25 Respondent shall receive a notification from the Board or its designee to cease the practice of  
26 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
27 practice until an appropriate practice setting is established.

28 7. PROHIBITED PRACTICE. During probation, Respondent is prohibited from



1 practicing, performing or treating workers' compensation patients. Except for medical  
2 community service work without compensation, Respondent is also prohibited from engaging, as  
3 a whole or part owner, employee or otherwise, in any business involving a federally funded health  
4 insurance or entitlement program. After the effective date of this Decision, all patients being  
5 treated by the Respondent shall be notified that the Respondent is prohibited from practicing,  
6 performing or treating workers' compensation patients, and that Respondent is prohibited from  
7 engaging, as a whole or part owner, employee or otherwise, in any business involving a federally  
8 funded health insurance or entitlement program. Any new patients must be provided this  
9 notification at the time of their initial appointment.

10 Respondent shall maintain a log of all patients to whom the required oral notification was  
11 made. The log shall contain the following: 1) patient's name, address and phone number; 2)  
12 patient's medical record number, if available; 3) the full name of the person making the  
13 notification; 4) the date the notification was made; and 5) a description of the notification given.  
14 Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the  
15 log available for immediate inspection and copying on the premises at all times during business  
16 hours by the Board or its designee, and shall retain the log for the entire term of probation.

17 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
18 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
19 Chief Executive Officer at every hospital where privileges or membership are extended to  
20 Respondent, at any other facility where Respondent engages in the practice of medicine,  
21 including all physician and locum tenens registries or other similar agencies, and to the Chief  
22 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
23 Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
24 fifteen (15) calendar days.

25 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

26 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
27 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
28 advanced practice nurses.

1        10. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
2 governing the practice of medicine in California and remain in full compliance with any court  
3 ordered criminal probation, payments, and other orders.

4        11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Board, stating whether there has been  
6 compliance with all the conditions of probation.

7        Respondent shall submit quarterly declarations not later than ten (10) calendar days after  
8 the end of the preceding quarter.

9        12. GENERAL PROBATION REQUIREMENTS.

10        Compliance with Probation Unit

11        Respondent shall comply with the Board's probation unit.

12        Address Changes

13        Respondent shall, at all times, keep the Board informed of Respondent's business and  
14 residence addresses, email address (if available), and telephone number. Changes of such  
15 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
16 circumstances shall a post office box serve as an address of record, except as allowed by Business  
17 and Professions Code section 2021(b).

18        Place of Practice

19        Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
20 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
21 facility.

22        License Renewal

23        Respondent shall maintain a current and renewed California physician's and surgeon's  
24 license.

25        Travel or Residence Outside California

26        Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
27 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
28 (30) calendar days.

1 In the event Respondent should leave the State of California to reside or to practice,  
2 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the  
3 dates of departure and return.

4 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
5 available in person upon request for interviews either at Respondent's place of business or at the  
6 probation unit office, with or without prior notice throughout the term of probation.

7 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
8 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting  
9 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return  
10 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine  
11 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours  
12 in a calendar month in direct patient care, clinical activity or teaching, or other activity as  
13 approved by the Board. If Respondent resides in California and is considered to be in non-  
14 practice, Respondent shall comply with all terms and conditions of probation. All time spent in  
15 an intensive training program which has been approved by the Board or its designee shall not be  
16 considered non-practice and does not relieve Respondent from complying with all the terms and  
17 conditions of probation. Practicing medicine in another state of the United States or federal  
18 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction  
19 shall not be considered non-practice. A Board-ordered suspension of practice shall not be  
20 considered as a period of non-practice.

21 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)  
22 calendar months, Respondent shall successfully complete the Federation of State Medical Board's  
23 Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment  
24 program that meets the criteria of Condition 18 of the current version of the Board's "Manual of  
25 Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of  
26 medicine.

27 Respondent's period of non-practice while on probation shall not exceed two (2) years.

28 Periods of non-practice will not apply to the reduction of the probationary term.

1       Periods of non-practice for a Respondent residing outside of California will relieve  
2 Respondent of the responsibility to comply with the probationary terms and conditions with the  
3 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
4 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
5 Controlled Substances; and Biological Fluid Testing.

6       15. COMPLETION OF PROBATION. Respondent shall comply with all financial  
7 obligations (e.g., restitution, probation costs) not later than one hundred and twenty (120)  
8 calendar days prior to the completion of probation. Upon successful completion of probation,  
9 Respondent's certificate shall be fully restored.

10       16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
11 of probation is a violation of probation. If Respondent violates probation in any respect, the  
12 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
13 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
14 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
15 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
16 be extended until the matter is final.

17       17. LICENSE SURRENDER. Following the effective date of this Decision, if  
18 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
19 the terms and conditions of probation, Respondent may request to surrender his or her license.  
20 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
21 determining whether or not to grant the request, or to take any other action deemed appropriate  
22 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
23 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
24 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
25 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
26 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

27       18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
28 with probation monitoring each and every year of probation, as designated by the Board, which

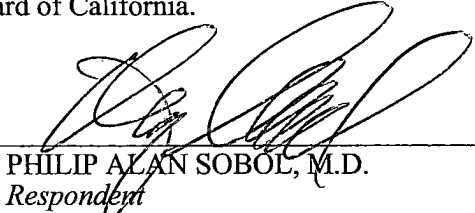
1 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
2 California and delivered to the Board or its designee no later than January 31st of each calendar  
3 year.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, Charles L. Kreindler. I understand the stipulation and the effect it  
7 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
9 Decision and Order of the Medical Board of California.

10  
11 DATED:

5/2/17

  
PHILIP ALAN SOBOL, M.D.  
*Respondent*

13 I have read and fully discussed with Respondent the terms and conditions and other matters  
14 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
15 content.

16  
17 DATED:

5/4/17

  
CHARLES L. KREINDLER  
*Attorney for Respondent*

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: May 2, 2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2016-020311**

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 12 20 16  
BY R. Firdaus ANALYST

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
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5 300 South Spring Street, Suite 1702  
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6 Telephone: (213) 897-6564  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-020311

13 PHILIP ALAN SOBOL, M.D.  
Sobol Orthopedic Medical Group  
8618 South Sepulveda Blvd., Suite 130  
Los Angeles, California 90045

**ACCUSATION**

14 Physician's and Surgeon's Certificate  
15 No. G42254,

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about July 1, 1980, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G42254 to Philip Alan Sobol, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on January 31, 2018, unless renewed.

27 ///

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**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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1       “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter.

3       “...

4       “(e) The commission of any act involving dishonesty or corruption which is substantially  
5 related to the qualifications, functions, or duties of a physician and surgeon.

6       “...”

7       6.     Section 2236 of the Code states:

8       “(a) The conviction of any offense substantially related to the qualifications, functions, or  
9 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
10 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
11 evidence only of the fact that the conviction occurred.

12       “(b) The district attorney, city attorney, or other prosecuting agency shall notify the  
13 Division of Medical Quality<sup>1</sup> of the pendency of an action against a licensee charging a felony or  
14 misdemeanor immediately upon obtaining information that the defendant is a licensee. The  
15 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
16 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
17 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
18 a license as a physician and surgeon.

19       “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
20 after the conviction, transmit a certified copy of the record of conviction to the board. The  
21 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
22 the degree of discipline or to determine if the conviction is of an offense substantially related to  
23 the qualifications, functions, or duties of a physician and surgeon.

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26       <sup>1</sup> California Business and Professions Code Section 2002, as amended and effective January 1,  
27 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical  
28 Practice Act (Cal. Bus. & Prof. Code §§§§ 2000, et seq.) means the “Medical Board of California” and  
references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other  
provision of law shall be deemed to refer to the Board.

1       “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
2 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
3 shall be conclusive evidence of the fact that the conviction occurred.”

4       7. Section 490 of the Code states:

5       “(a) In addition to any other action that a board is permitted to take against a licensee, a  
6 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
7 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
8 or profession for which the license was issued.

9       “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
10 discipline a licensee for conviction of a crime that is independent of the authority granted under  
11 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
12 of the business or profession for which the licensee’s license was issued.

13       “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
14 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
15 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
16 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
17 made suspending the imposition of sentence, irrespective of a subsequent order under the  
18 provisions of Section 1203.4 of the Penal Code.

19       “(d) The Legislature hereby finds and declares that the application of this section has been  
20 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
21 554, and that the holding in that case has placed a significant number of statutes and regulations  
22 in question, resulting in potential harm to the consumers of California from licensees who have  
23 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
24 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
25 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
26 constitute a change to, but rather are declaratory of, existing law.”

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1           8.     Section 493 of the Code states:

2           “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
3 the department pursuant to law to deny an application for a license or to suspend or revoke a  
4 license or otherwise take disciplinary action against a person who holds a license, upon the  
5 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
7 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
8 and the board may inquire into the circumstances surrounding the commission of the crime in  
9 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
10 qualifications, functions, and duties of the licensee in question.

11           “...”

12           9.     Section 650, subdivision (a) of the Code states:

13           “Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the  
14 Health and Safety Code, the offer, delivery, receipt, or acceptance by any person licensed under  
15 this division or the Chiropractic Initiative Act of any rebate, refund, commission, preference,  
16 patronage dividend, discount, or other consideration, whether in the form of money or otherwise,  
17 as compensation or inducement for referring patients, clients, or customers to any person,  
18 irrespective of any membership, proprietary interest, or coownership in or with any person to  
19 whom these patients, clients, or customers are referred is unlawful.”

20           10.    California Code of Regulations, title 16, section 1360, states:

21           “For the purposes of denial, suspension or revocation of a license, certificate or permit  
22 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be  
23 considered to be substantially related to the qualifications, functions or duties of a person holding  
24 a license, certificate or permit under the Medical Practice Act if to a substantial degree it  
25 evidences present or potential unfitness of a person holding a license, certificate or permit to  
26 perform the functions authorized by the license, certificate or permit in a manner consistent with  
27 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the

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1 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of, or conspiring to violate any provision of the Medical Practice Act.”

3 **UNITED STATES CODE SECTIONS**

4 11. United States Code, title 18, Section 371 states:

5 “If two or more persons conspire either to commit any offense against the United States, or  
6 to defraud the United States, or any agency thereof in any manner or for any purpose, and one or  
7 more of such persons do any act to effect the object of the conspiracy, each shall be fined under  
8 this title or imprisoned not more than five years, or both.

9 “If, however, the offense, the commission of which is the object of the conspiracy, is a  
10 misdemeanor only, the punishment for such conspiracy shall not exceed the maximum  
11 punishment provided for such misdemeanor.”

12 12. United States Code, title 18, Section 1341 states:

13 “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for  
14 obtaining money or property by means of false or fraudulent pretenses, representations, or  
15 promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or  
16 procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or  
17 anything represented to be or intimated or held out to be such counterfeit or spurious article, for  
18 the purpose of executing such scheme or artifice or attempting so to do, places in any post office  
19 or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by  
20 the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or  
21 delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such  
22 matter or thing, or knowingly causes to be delivered by mail or such carrier according to the  
23 direction thereon, or at the place at which it is directed to be delivered by the person to whom it is  
24 addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20  
25 years, or both. If the violation occurs in relation to, or involving any benefit authorized,  
26 transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially  
27 declared major disaster or emergency (as those terms are defined in section 102 of the Robert T.  
28 Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial

1 institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30  
2 years, or both.”

3 13. United States Code, title 18, Section 1952 states:

4 “(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in  
5 interstate or foreign commerce, with intent to--

6 “... ”

7 “(3) otherwise promote, manage, establish, carryon, or facilitate the promotion,  
8 management, establishment, or carrying on, of any unlawful activity,

9 “and thereafter performs or attempts to perform--

10 “(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not  
11 more than 5 years, or both; or

12 “... ”

13 **FACTUAL SUMMARY**

14 14. On January 22, 2016, in the case entitled the *United States of America v. Philip A.*  
15 *Sobol*, case number SACR15-00148, in the United States District Court for the Central District of  
16 California, Southern Division, Respondent entered pleas of guilty to violating United States Code,  
17 title 18, Section 371 and Section 1952, subdivision (a), subsection (3). Respondent entered into  
18 and executed a plea agreement with the United States Attorney’s Office.

19 15. The circumstances leading to Respondent’s criminal convictions are as follows:

20 A. Between 2005 and 2013, Respondent worked as an orthopedic surgeon and  
21 owned Sobol Orthopedic Medical Group, which was located in Pasadena, California. Beginning  
22 on or about June 1, 2005, Respondent conspired with other healthcare executives and staff to  
23 exchange monetary kickbacks in return for the referral of his worker’s compensation patients to  
24 Pacific Hospital of Long Beach (Pacific Hospital), which specialized in spinal and orthopedic  
25 surgeries, and was located in Long Beach, California.

26 B. Between 1997 and October 2013, Pacific Hospital was owned and/or operated  
27 by M.D. In this same time period, M.D. also owned and/or operated a physician management  
28 company, Pacific Specialty Physician Management Incorporated (PSPM), as well as two

1 companies that managed in-house pharmaceutical dispensary programs on behalf of physicians:  
2 California Pharmacy Management, L.L.C. (CPM), and Industrial Pharmacy Management, L.L.C.  
3 (IPM).

4 C. Respondent entered into an agreement with M.D. and several co-conspirators  
5 on or about June 1, 2005, and this agreement continued through January 2011. Under this  
6 agreement, Respondent was initially paid approximately \$75,000.00 each month in exchange for  
7 granting PSPM an option to purchase the assets of Sobol Orthopedic Medical Group. As part of  
8 this agreement, Respondent agreed to refer and often did refer his patients to Pacific Hospital for  
9 spinal and other surgeries, magnetic resonance imaging, toxicology, durable medical equipment  
10 and other services paid through the California Worker's Compensation System. Respondent was  
11 mailed and received checks from both PSPM, CPM and IPM in accordance with this agreement  
12 using the United States Postal Service.

13 D. Also beginning in June 2005 and continuing through March 2013, Respondent  
14 entered into a "claims purchase agreement" whereby IPM established a mini-pharmacy in Sobol  
15 Orthopedic Medical Group. Respondent was initially paid approximately \$70,000.00 per month  
16 and, in return, IPM purchased all insurance claims for medications dispensed through  
17 Respondent's pharmacy. Respondent was mailed and received checks from IPM in accordance  
18 with this agreement using the United States Postal Service.

19 E. PSPM's option agreement with Respondent to purchase the assets of Sobol  
20 Orthopedic Medical Group was terminated in January 2011. However, IPM increased its monthly  
21 payments to Respondent in exchange for Respondent continuing to refer his worker's  
22 compensation patients to Pacific Hospital. From January 2011 until March 2013, Respondent  
23 was paid approximately \$960,000.00 by IPM. However, PSPM later renewed its option  
24 agreement in March 2013. In total, Respondent was paid approximately \$2.18 million by PSPM  
25 under this agreement. Respondent was also paid approximately \$2.1 million by some  
26 combination of CPM or IPM under this agreement.

27 F. Respondent owed fiduciary duties to his patients including his obligation to  
28 disclose financial conflicts of interest at all time relevant to this case. Respondent did not inform

1 the worker's compensation patients that he had been offered and accepted kickbacks in exchange  
2 for referring his patients for surgeries at Pacific Hospital. Similarly, Respondent did not inform  
3 the insurance providers of the worker's compensation patients that he had been offered and  
4 accepted kickbacks in exchange for referring his patients for surgeries at Pacific Hospital.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Conviction of Crimes Substantially Related to the Practice of a Physician & Surgeon)**

7 16. By reason of the facts set forth in paragraphs 14 and 15 above, Respondent's license  
8 is subject to disciplinary action under Section 2234, subdivision (a), Section 2236, subdivision  
9 (a), and Section 490 of the Code, as well as California Code of Regulations, title 16, Section  
10 1360, in that Respondent has been convicted of crimes substantially related to the qualifications,  
11 functions or duties of a physician and surgeon.

12 17. Respondent's acts and/or omissions as set forth in paragraphs 14 and 15 above,  
13 whether proven individually, jointly, or in any combination thereof, constitute convictions of  
14 crimes substantially related to the qualifications, functions or duties of a physician and surgeon  
15 pursuant to Section 2234, subdivision (a), Section 2236, subdivision (a), and Section 490 of the  
16 Code, as well as California Code of Regulations, title 16, Section 1360.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Dishonest or Corrupt Acts Substantially Related to the Practice of a Physician & Surgeon)**

19 18. By reason of the facts set forth in paragraphs 14 and 15 above, Respondent's license  
20 is subject to disciplinary action under Section 2234, subdivision (e) of the Code, as well as  
21 California Code of Regulations, title 16, Section 1360, in that Respondent has committed acts  
22 involving dishonesty or corruption that are substantially related to the qualifications, functions or  
23 duties of a physician and surgeon.

24 19. Respondent's acts and/or omissions as set forth in paragraphs 14 and 15 above,  
25 whether proven individually, jointly, or in any combination thereof, constitute the commission of  
26 acts involving dishonesty or corruption that are substantially related to the qualifications,  
27 functions or duties of a physician and surgeon pursuant to Section 2234, subdivision (e) of the  
28 Code, as well as California Code of Regulations, title 16, Section 1360.



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 20. By reason of the facts set forth in paragraphs 14 and 15 above, Respondent's license  
4 is subject to disciplinary action under Section 2234, subdivision (a) of the Code, in that  
5 Respondent has been convicted of crimes and committed acts involving dishonesty or corruption  
6 that are substantially related to the qualifications, functions or duties of a physician and surgeon.


7 21. Respondent's acts and/or omissions as set forth in paragraphs 14 and 15 above,  
8 whether proven individually, jointly, or in any combination thereof, constitute conviction of  
9 crimes and the commission of acts involving dishonesty or corruption that are substantially  
10 related to the qualifications, functions or duties of a physician and surgeon pursuant to Section  
11 2234, subdivision (a) of the Code.

12 **PRAAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Medical Board of California issue a decision:

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G42254,  
16 issued to Philip Alan Sobol, M.D.;
- 17 2. Revoking, suspending or denying approval of Philip Alan Sobol, M.D.'s authority to  
18 supervise physician assistants, pursuant to section 3527 of the Code;
- 19 3. Ordering Philip Alan Sobol, M.D., if placed on probation, to pay the Board the costs  
20 of probation monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: October 12, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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